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HB 269 SOLAR ENERGY SYSTEMS AND AUTHORIZING THE COUNTIES TO LEGISLATE THEREON

Statement for
House Committees on
Energy, Ecology and Environmental Protection
State General Planning
Judiciary
Public Hearing - 20 February 1981

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HB 269 recognizes Hawaii's need to encourage the use of solar energy and would authorize the counties to enact certain land use controls to require or encourage the installation and use of solar energy systems. HB 269 would amend HRS Chapter 46 to provide for this county authorization. The statement on this bill does not represent an institutional position of the University of Hawaii.

The intent of HB 269 is commendable. We question, however, the effectiveness of the bill as presently drafted to achieve the desired result. Specifically the use of the conditional terms, "may...require," "extent feasible" would seem to offer little substantive direction to the existing statutes.

It would appear that the "authorization provided by HB 269, "to require or encourage the installation and use of solar energy systems" is already provided in fact if not specifically cited, by the County zoning section, HRS 46-4 items (4), (5), (6), (7), (10), and (12). If more specificity is needed we suggest consideration be given to the addition of "energy" to paragraph (12): i.e., HRS 46-4 (12) "Other such regulations as may be deemed by the boards or city council as necessary and proper to permit and encourage orderly development of land and energy resources within their jurisdictions."

HB 269 would exclude condominium projects which consist of the subdivision of air space in existing buildings. We wish to call to your attention that the term condominium refers to a type of ownership (HRS 514-2 (9)) not a structural design. Therefore its use in this context seems inappropriate. We assume that what is intended is the exclusion of the proposed solar access requirements to subdivisions of airspace in existing buildings, regardless of ownership. If units are to be excluded under this requirement, exclusion should be based on roof area or a density factor not on type of ownership.